

## HOUSE SUBSTITUTE

FOR

HOUSE BILL NO. 267

AN ACT

2 To repeal sections 49.079, 49.091, 49.095,  
3 49.170, 49.266, 49.267, 49.268, 49.269,  
4 49.273, 49.276, and 49.278, RSMo, and to  
5 enact in lieu thereof five new sections  
6 relating to county commissions.

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7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
8 AS FOLLOWS:

9 Section A. Sections 49.079, 49.091, 49.095, 49.170, 49.266,  
10 49.267, 49.268, 49.269, 49.273, 49.276, and 49.278, RSMo, are  
11 repealed and five new sections enacted in lieu thereof, to be  
12 known as sections 49.079, 49.170, 49.266, 49.278, and 49.650, to  
13 read as follows:

14 49.079. [The county commission in all counties of the  
15 second class having a population of over thirty thousand  
16 inhabitants and containing a part of a city having a population  
17 of more than four hundred fifty thousand inhabitants may appoint  
18 a sewer supervisor and fix his compensation. The sewer  
19 supervisor shall supervise the construction and extension of  
20 sewers within the county and shall have the other duties that the  
21 county commission may provide.] The county commission in all  
22 counties may appoint any person to fill any position in any

1 department governed by the county as the commission deems  
2 necessary, and may fix the compensation for the position.

3 49.170. Four terms of the county commission shall be held  
4 in each county annually, at the place of holding commission  
5 meetings therein, commencing on the first Mondays in [February,  
6 May, August and November] January, April, July, and October. The  
7 county commissions may alter the times for holding their stated  
8 terms, giving notice thereof in such manner as to them shall seem  
9 expedient; provided, that in counties now containing or that may  
10 hereafter contain seventy-five thousand or more inhabitants, and  
11 where county commissions are now or may hereafter be held at more  
12 places than one and at other places than the county seat, the  
13 terms of the commission shall be held monthly and alternately at  
14 the county seat and such other place as may be provided for the  
15 holding of a meeting, and each monthly term shall commence on the  
16 first Monday in each month.

17 49.266. 1. The county commission in [first class] all  
18 counties may by order or ordinance promulgate reasonable  
19 regulations concerning the use of county property, the hours,  
20 conditions, methods and manner of such use and the regulation of  
21 pedestrian and vehicular traffic and parking thereon.

22 2. Violation of any regulation so adopted is an infraction.

23 3. The regulations so adopted shall be codified, printed  
24 and made available for public use and adequate signs concerning

1 smoking, traffic and parking regulations shall be posted.

2 49.278. 1. The county governing body in all counties may  
3 contribute to the cost of a plan, including a plan underwritten  
4 by insurance, for furnishing all or a part of hospitalization or  
5 medical expenses, life insurance, or similar benefits for elected  
6 officials and their employees, and to appropriate and utilize its  
7 revenues and other available funds for these purposes.

8 2. No contract shall be entered into by the county to  
9 purchase any insurance policy or policies pursuant to the terms  
10 of this section unless such contract shall have been submitted to  
11 competitive bidding and such contract be awarded to the lowest  
12 and best bidder.

13 3. The governing authority of all counties may provide, in  
14 addition to any other programs or plans, workers' compensation,  
15 health insurance, life insurance, and retirement plans for all  
16 county employees.

17 49.650. 1. The governing authority of each county without  
18 a charter form of government shall have the power to adopt  
19 reasonable ordinances, resolutions, or regulations relating to  
20 its property, affairs, and local government for which no  
21 provision has been made in the constitution of this state or  
22 state statute. All ordinances adopted pursuant to this section  
23 shall remain effective until repealed or amended by the governing  
24 authority, except that the general assembly shall have the power

1 to further define, broaden, limit, or otherwise regulate the  
2 power of each such county to adopt ordinances, resolutions, or  
3 regulations.

4 2. The governing body of each county without a charter form  
5 of government may submit to the qualified voters of the county  
6 any ordinance, resolution, or regulation proposed pursuant to  
7 this section for the approval of the qualified voters of the  
8 county. Any ordinance, resolution, or regulation submitted to  
9 the qualified voters pursuant to this section shall become  
10 effective if a majority of the qualified voters voting on the  
11 ordinance, resolution, or regulation are in favor of its  
12 adoption, but no ordinance, resolution, or regulation shall  
13 become effective if a majority of the qualified voters voting on  
14 the ordinance, resolution, or regulation are opposed to its  
15 adoption.

16 3. Any qualified voter in each county without a charter  
17 form of government may circulate a petition to propose, enact, or  
18 reject, by initiative or referendum, any ordinance, resolution,  
19 or regulation that the county would have authority to adopt  
20 pursuant to this section. The petition shall be signed by the  
21 number of registered voters in the county equal to at least  
22 fifteen percent of the total votes cast in the county for  
23 governor at the last gubernatorial election, and shall be filed  
24 with the governing body of the county. Upon the filing of a

1 valid petition, the governing authority of the county shall place  
2 the question on the ballot at the next general election for the  
3 approval of or rejection by the qualified voters of the county.  
4 Any proposed ordinance, resolution, or regulation shall be  
5 printed clearly at the top of each petition before the signatures  
6 on the petition are acquired.

7           [49.091. 1. In counties of the third  
8 and fourth classification, the county  
9 commission or the county commission's  
10 designee shall, on or before the tenth day of  
11 the first month in each calendar quarter of  
12 each year, make a personal examination and  
13 inspection of all county lands and buildings,  
14 including the county farm, and shall prepare  
15 a report to be filed, as a matter of public  
16 record, with the county clerk not later than  
17 twenty days after such examination. The  
18 report shall contain a detailed statement of  
19 the physical condition and the state of  
20 repair of all such county lands and  
21 buildings, the use to which they are  
22 currently put, and a statement of the farm  
23 operations of the county, if any, the  
24 condition of growing crops and the amount of  
25 grain or other produce on hand.

26           2. The reports required by this section  
27 shall be signed by the county clerk.]

28           [49.095. 1. The county commissioners  
29 in counties of the second class shall:  
30           (1) Make a personal examination and  
31 inspection of all county lands and buildings,  
32 including the county farm, on or before the  
33 tenth day of the first month in each calendar  
34 quarter of each year, and prepare a report to  
35 be filed, as a matter of public record, with  
36 the county auditor not later than twenty days  
37 after the examination. The report shall  
38 contain a detailed statement of the physical  
39 condition and the state of repair of all  
40 county lands and buildings, the use to which  
41 they are currently put, and a statement of

1 the farm operations of the county, if any,  
2 the condition of growing crops and the amount  
3 of grain or other produce on hand;

4 (2) Inspect and inventory all office  
5 equipment and machines, road machinery, farm  
6 supplies, equipment and produce on hand and  
7 all other personal property belonging to the  
8 county of an original value of two hundred  
9 fifty dollars or more of whatsoever kind or  
10 description annually, on or before the tenth  
11 day of October. The inventory shall list the  
12 property by keeping a continuous annual  
13 inventory of each item identified by  
14 descriptive name, and on manufactured goods  
15 the manufacturer's serial number, model, age  
16 and estimated market value, and there shall  
17 be attached to each inventory a statement or  
18 explanation of any material changes over that  
19 of the previous year, showing in particular  
20 the disposition of any county property, the  
21 reason for its disposal, to whom disposed and  
22 the amount received therefor.

23 2. The reports required by this section  
24 may be signed by all the commissioners or if  
25 any commissioner is in disagreement with any  
26 statement contained therein, he may refuse to  
27 sign the report and shall issue his own  
28 minority report.]

29 [49.267. Notwithstanding other  
30 provisions of law, the county commission of  
31 any county of the second class may set a  
32 speed limit on any county road, not within  
33 the limits of any incorporated city, town, or  
34 village, lower than that otherwise provided  
35 by law. However, in no case shall the speed  
36 limit be set lower than twenty-five miles per  
37 hour. The commission shall send copies of  
38 any such order to the superintendent of the  
39 state highway patrol. After the roads have  
40 been properly marked by signs indicating the  
41 speed limits set by the county commission,  
42 the speed limits so set shall be in full  
43 force and effect.]

44 [49.268. The limits on speed set by  
45 section 49.267 do not apply to the operation  
46 of any emergency vehicle as defined in

1 section 304.022, RSMo. Nothing in sections  
2 49.267 to 49.269 shall make the speeds  
3 prescribed therein lawful in a situation that  
4 requires lower speed for compliance with the  
5 basic rule declared in subsection 1 of  
6 section 304.010, RSMo.]

7 [49.269. Any person who violates any  
8 provision of sections 49.267 to 49.269 is  
9 guilty of a class C misdemeanor.]

10 [49.273. The county commission in all  
11 counties of the first and second class,  
12 including those having a charter form of  
13 government, may elect to accept the  
14 provisions of chapter 287, RSMo, governing  
15 workers' compensation.]

16 [49.276. County commissions of third  
17 and fourth class counties may provide motor  
18 vehicles for the use of law enforcement  
19 personnel who are county employees. Such  
20 motor vehicles shall be used by authorized  
21 personnel only, and each sheriff shall  
22 prescribe rules and regulations for the use  
23 of the motor vehicles. The county commission  
24 may acquire title to such vehicles in the  
25 name of the county and may purchase insurance  
26 on the vehicles. County commissions may sell  
27 or otherwise convey such vehicles and may do  
28 all acts consistent with maintenance and  
29 operating costs of the vehicles at county  
30 expense. The motor vehicles authorized  
31 herein shall be of such size, type, make and  
32 horsepower as is determined by the county  
33 commission. The county commission and the  
34 Missouri state highway patrol may cooperate  
35 in the purchase and disposal of such  
36 vehicles, either pursuant to the provisions  
37 of sections 67.330 to 67.450, RSMo, or  
38 otherwise. Costs incident to purchase of  
39 such vehicles, other than the purchase price,  
40 shall be paid by the county commission.]